

REMARKS

This responds to the Office Action mailed on October 11, 2006.

No claims are amended or cancelled. Claims 1-18 remain pending in this application.

§112 Rejection of the Claims

Claims 1-8 and 13-16 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses the rejection for at least the following reasons.

The rejection states that “the claimed subject matter of ‘non-curable viscous matrix’ and ‘a distribution of carbon fibers within the viscous matrix material wherein orientation and location of carbon fiber relative to each other are movable upon flow of the matrix material’ are not supported by the original disclosure.”

Applicant notes that on page 8 lines 24-30 regarding a matrix material, a “silicone based viscous liquid such as an oil or grease” is discussed. Applicant respectfully submits that such description conveys to one of ordinary skill in the art a non-curable viscous matrix. Applicant further notes that at least page 9, lines 8-19 and figure 5 in general indicate spreading of a thermal conduction material in three dimensions. If a given volume of thermal conduction material is reduced in thickness, it follows that carbon fibers distributed within the matrix are movable relative to each other. If they were not, the thermal conduction material would not flow.

Applicant respectfully submits that the phrases “non-curable viscous matrix” and “distribution of carbon fibers within the viscous matrix material wherein orientation and location of carbon fiber relative to each other are movable upon flow of the matrix material” are therefore sufficiently described in the specification to meet the standards of 35 USC § 112, first paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

§102 Rejection of the Claims

Claims 1-18 were rejected under 35 USC § 102(e) as being anticipated by Webb (U.S. 6,542,371). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection states that Webb discloses a suspension of carbon fibers with a substantially random orientation in three dimensions. Applicant is unable to find such a disclosure of random suspension in the cited selections of column 4, lines 12-26, lines 42-65 or column 5, lines 9-50, or anywhere in Webb.

Webb appears to show a carbon fiber fabric 10 with threads that are “woven together in a substantially orthogonal pattern (column 3, lines 11-12). Webb also appears to show a matted or felted fabric with a more random pattern. However, Applicant is unable to find a distribution of carbon fibers *suspended* within a matrix material in the Webb reference.

In contrast claims 1 and 5, as amended, include a distribution of carbon fibers suspended within a matrix material. Further in contrast, claim 9 includes suspending a number of carbon fibers in a substantially random pattern within a non-adhesive viscous matrix material. Further in contrast, claim 13 includes suspending a number of carbon fibers in a substantially random pattern within a non-curable viscous matrix material. Further in contrast, claim 17 includes a distribution of carbon fibers suspended within a viscous thermal grease material. Support for the claim amendments can be found in several locations in the specification, including page 9, lines 22-25. Among other distinguishing features, carbon fibers suspended within a matrix material provide an advantage of allowing both fibers and matrix material to be spread, in contrast to a pre-made fabric that would prevent fiber spreading.

Because the Webb reference does not show every element of Applicant’s claims, a 35 USC §102(e) rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 1-18. Regarding the use of Webb as a prior art reference in the previous Office Action, Applicant respectfully stands by the assertion that Webb is not available as prior art in a USC §103 rejection because of a common assignee.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6944) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 1-11-07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11th day of January 2007.

Name

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Signature

